

1 HEATHER E. WILLIAMS, Bar #122664
Federal Defender
2 GRIFFIN ESTES, CA Bar # 322095
Assistant Federal Defender
3 Designated Counsel for Service
2300 Tulare Street, Suite 330
4 Fresno, CA 93721-2226
Telephone: (559) 487-5561
5 Fax: (559) 487-5950

6 Attorneys for Defendant
JULIO SANDOVAL
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 JULIO SANDOVAL

15 Defendant.
16

Case No. 1:22-cr-233-JLT-SKO

**STIPULATION TO CONTINUE TRIAL
DATE AND TRIAL CONFIRMATION
DATE; ORDER**

Judge: Hon. Jennifer L. Thurston

17 On August 25, 2022, an indictment was issued charging Mr. Sandoval and Ms. Gaviola
18 with a violation of 18 U.S.C §§ 2262(a)(2) and 2. ECF Dckt. # 1. A trial date is set on October 16,
19 2024. ECF Dckt. # 65. A trial confirmation hearing is set on September 16, 2024. ECF Dckt. # 72.

20 The parties submitted an earlier stipulation and proposed order to continue the trial. ECF
21 Dckt. # 73. The Court denied the request. ECF Dckt. # 74. The parties submit this revised
22 stipulation to further explain why defendants cannot be adequately prepared for trial on the
23 currently-scheduled date of October 19, 2024. The parties acknowledge that a trial in March 2024
24 may involve assignment of a visiting judge.

25 **STIPULATION**

26 IT IS HEREBY STIPULATED by and between the parties hereto, and through their
27 respective attorneys, that the trial currently set for October 16, 2024, be continued to March 4,
28 2025. The parties further request the trial confirmation hearing currently set on September 16,

1 2024, be continued to January 13, 2025. The parties stipulate that for the purpose of computing
2 time under the Speedy Trial Act, the Court should exclude time from the date of this order
3 through March 4, 2025, for continued plea negotiations, and defense preparation and
4 investigation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv). Specifically, Mr. Sandoval is
5 requesting the continuance for several reasons. First, the defense paralegal has recently been
6 scheduled for shoulder surgery on September 25, 2024, with a projected recovery time lasting
7 over a month. If the requested continuance is not granted, the defense team would need to
8 proceed to trial without the support of a paralegal who has been with the case since its inception,
9 which would severely hinder trial preparation and the presentation of a defense on Mr.
10 Sandoval's behalf. Second, ongoing plea negotiations have revealed the necessity to do further
11 fact investigations, some of which is not in the Fresno area.

12 Additionally, Mr. Capozzi has been in trial in the following cases, in United States v.
13 Marcus Asay, in the Eastern District of California, Case No. 1:19CR00003-DAD from April 25,
14 2024, completion date of June 18, 2024, and in People v. Joe Gomez, Case No. F21903570, in
15 the Fresno Superior Court, from July 1, 2024, with a completion date of July 15, 2024, and in
16 People v. Jagtar Singh, Case No. F23903919 from July 23, 2024, with a completion date of
17 August 14, 2024, in the Fresno Superior Court.

18 Furthermore, Mr. Capozzi is scheduled for a jury trial in the Madera County Superior
19 Court, in a 7-year-old case in People v. Greg Baronian, Case No. MCR056617 on October 1,
20 2024, which is scheduled for approximately four weeks.

21 For the reasons above, the defense needs further time to prepare the case. The parties
22 agree that the ends of justice are served by continuing the trial, and they outweigh the interest of
23 the public and the defendants in a speedy trial.

1
2 Respectfully submitted,

3 PHILLIP A. TALBERT
4 United States Attorney

5 Dated: August 30, 2024

6 /s/ Michael Tierney
7 MICHAEL TIERNEY
8 Assistant United States Attorney
9 Attorney for Plaintiff

10 Dated: August 30, 2024

11 HEATHER E. WILLIAMS
12 Federal Defender

13 /s/ Griffin Estes
14 GRIFFIN ESTES
15 Assistant Federal Defender
16 Attorney for Defendant
17 JULIO SANDOVA

18 Dated: August 30, 2024

19 /s/ Anthony Capozzi
20 ANTHONY CAPOZZI
21 Attorney for Defendant
22 SHANA GAVIOLA

23 **ORDER**

24 The trial currently set for October 16, 2024, is hereby continued to March 4, 2025. The
25 trial confirmation hearing set on September 16, 2024, is hereby continued to January 13, 2025.
26 Time shall be excluded from October 16, 2024, to March 4, 2025, under the Speedy Trial Act for
27 defense preparation and continuity of counsel. The Court finds that the ends of justice outweigh
28 the interest of the defendant and the public in a speedy trial.

IT IS SO ORDERED.

Dated: August 30, 2024


UNITED STATES DISTRICT JUDGE